

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF PUERTO RICO**

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In re:	:	
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THE FINANCIAL OVERSIGHT AND	:	PROMESA
MANAGEMENT BOARD FOR PUERTO RICO,	:	Title III
	:	
as representative of	:	Case No. 17-BK-3283 (LTS)
	:	
THE COMMONWEALTH OF PUERTO RICO <i>et al.</i> ,	:	(Jointly Administered)
	:	
Debtors. ¹	:	
	X	

**OFFICIAL COMMITTEE OF UNSECURED CREDITORS' LIMITED JOINDER
IN MOTION OF NATIONAL PUBLIC FINANCE CORPORATION FOR
ENTRY OF AN ORDER DIRECTING AN INDEPENDENT INVESTIGATION**

To the Honorable United States District Judge Laura Taylor Swain:

The Official Committee of Unsecured Creditors of all Title III Debtors (other than PBA and CONFINA) (the “Committee”) submits this limited joinder in response to the Motion of National Public Finance Corporation (“National”) for Entry of an Order Directing Independent Investigation [ECF No. 14450] (the “Investigation Motion”) and states the following in support:

1. The Investigation Motion requests the Court appoint the Office of the United States Trustee or an independent investigator to determine whether certain parties:

“[v]iolated the Court’s June 23, 2017 Mediation Order and September 11, 2019 Supplemental Confidentiality Order (as defined in the Motion), including, but not limited to, whether those parties traded

¹ The Debtors in these Title III cases, along with each Debtor’s respective Title III case number listed as a bankruptcy case number due to software limitations and the last four (4) digits of each Debtor’s federal tax identification number, as applicable, are the (i) Commonwealth of Puerto Rico (Bankruptcy Case No. 17-BK-3283 (LTS)) (Last Four Digits of Federal Tax ID: 3481), (ii) Employees Retirement System of the Government of the Commonwealth of Puerto Rico (“ERS”) (Bankruptcy Case No. 17-BK-3566 (LTS)) (Last Four Digits of Federal Tax ID: 9686), (iii) Puerto Rico Highways and Transportation Authority (“HTA”) (Bankruptcy Case No. 17-BK-3567 (LTS)) (Last Four Digits of Federal Tax ID: 3808), (iv) Puerto Rico Sales Tax Financing Corporation (“COFINA”) (Bankruptcy Case No. 17-BK-3284 (LTS)) (Last Four Digits of Federal Tax ID: 8474); (v) Puerto Rico Electric Power Authority (“PREPA”) (Bankruptcy Case No. 17-BK-4780) (Last Four Digits of Federal Tax ID: 3747); and (vi) Puerto Rico Public Buildings Authority (“PBA”) (Bankruptcy Case No. 19-BK-5523 (LTS)) (Last Four Digits of Federal Tax ID: 3801).

securities while in possession of confidential information about or obtained during the Mediation;”

[*Id.* at Ex. A; p.2]

2. The Committee joins in the Investigation Motion solely to the extent that an investigation and examination of the trading activity that National identifies in its motion could serve to confirm the integrity of the Title III process.

3. If the Court were to appoint an investigator, the Committee respectfully submits that the Committee is uniquely positioned to fulfill such a role for three reasons.

4. *First*, the Committee filed and prosecuted the initial motion that resulted in the Supplemental Rule 2019 Disclosures that serve as the basis for the Investigation Motion. [ECF No. 11746]; *see also Investigation Motion* at ¶¶ 4, 22.

5. *Second*, the Committee is equipped to promptly and effectively conduct the investigation. The Committee already employs professionals that are well versed in the issues presented by the Investigation Motion, and has spent considerable time and resources investigating and considering the issues raised by it. Furthermore, the Committee’s professionals are capable of presenting its findings to the Court.

6. *Third*, the Committee is statutorily authorized pursuant to section 1103(c)(2) of the Bankruptcy Code to “investigate the acts, conduct, assets, liabilities, and financial condition of the debtor...and any other matter relevant to the case or to the formulation of a plan.” On the other hand, the Office of the United States Trustee’s role in the Title III cases is limited because PROMESA does not incorporate section 307 of the Bankruptcy Code (providing for the United States Trustee to appear and be heard in any matter arising under the Bankruptcy Code).

7. If the Court were to appoint the Committee to conduct the investigation and report its findings to the Court, the Committee would faithfully discharge those duties.

8. For the foregoing reasons, the Committee respectfully requests the Court grant the Investigation Motion and appoint the Committee to conduct a thorough and independent investigation as otherwise contemplated in the Proposed Order submitted by National.

Dated: October 10, 2020

Respectfully Submitted,

John Arrastia

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CERTIFICATE OF SERVICE

I hereby certify that on October 10, 2020, I caused the foregoing document to be electronically filed with the Clerk of the Court for the United States District Court for the District of Puerto Rico by using the CM/ECF system, which sent notification of such filing to all CM/ECF participants.

By: John Arrastia
John Arrastia, Esq.